

EXHIBIT A

Case Docket Entries

CC-40-2020-C-193

Court: **Circuit** County: **40 - Putnam** Created Date: **12/13/2020** Security Level: **Public**
 Judge: **Joseph Reeder** Case Type: **Civil** Case Sub-Type: **Other** Status: **Open**
 Related Cases:
 Style: **James Wallace v. Securitas Security Services USA, Inc.**

	<u>Entered Date</u>	<u>Event</u>	<u>Ref. Code</u>	<u>Description</u>
1	12/13/2020 4:37:57 PM	E-Filed		Complaint
	1-1 12/13/2020	Civil Case Information Statement		
	1-2 12/13/2020	Complaint - Complaint of James Wallace		
	1-3 12/13/2020	Transmittal		
	1-4 12/13/2020	Summons		
2	12/13/2020 4:37:57 PM	Judge Assigned	J-40001	Joseph Reeder
3	12/13/2020 4:37:57 PM	Party Added	P-001	James Wallace
4	12/13/2020 4:37:57 PM	Party Added	D-001	Securitas Security Services USA, Inc.
5	12/13/2020 4:37:57 PM	Attorney Listed	P-001	A-6479 - Hoyt Eric Glazer
6	12/13/2020 4:37:57 PM	Service Requested	D-001	Circuit Clerk - Certified Mail - Including Copy Fee
7	12/29/2020 9:39:21 AM	E-Docketed		Supporting Documents - CERTIFIED MAIL RECEIPT/SECURITAS SECURITY SERVICES USA, INC.
	7-1 12/23/2020	Supporting Document - CERTIFIED MAIL RECEIPT/SECURITAS SECURITY SERVICES USA, INC.		
	7-2 12/23/2020	Transmittal		
8	12/30/2020 12:39:17 PM	E-Docketed		Supporting Documents - RETURN GREEN CARD/SECURITAS SECURITY SYSTEMS USA, INC./SGND BY ?
	8-1 12/28/2020	Supporting Document - RETURN GREEN CARD/SECURITAS SECURITY SYSTEMS USA, INC./SGND BY ?		
	8-2 12/28/2020	Transmittal		

A TRUE COPY
 TESTE: *William Miller* CLERK
 CIRCUIT COURT PUTNAM COUNTY, WV
 84



**Service of Process
Transmittal**

12/23/2020

CT Log Number 538786516

TO: Josiah Rocha
Securitas Security Services USA, Inc.
4330 Park Terrace Dr
Westlake Village, CA 91361-4630

RE: Process Served in West Virginia

FOR: Securitas Security Services USA, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: JAMES WALLACE, Pltf. vs. SECURITAS SECURITY SERVICES USA, INC., Dft.

DOCUMENT(S) SERVED: -

COURT/AGENCY: None Specified
Case # CC402020C193

NATURE OF ACTION: Employee Litigation - Discrimination

ON WHOM PROCESS WAS SERVED: National Registered Agents, Inc., Charleston, WV

DATE AND HOUR OF SERVICE: By Certified Mail on 12/23/2020 postmarked on 12/16/2020

JURISDICTION SERVED : West Virginia

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 12/23/2020, Expected Purge Date: 01/22/2021

Image SOP

Email Notification, Josiah Rocha JOSIAH.ROCHA@SECURITASINC.COM

Email Notification, Laura Polte Laura.Polte@securitasinc.com

Email Notification, Cortney Sigman cortney.sigman@securitasinc.com

REGISTERED AGENT ADDRESS: National Registered Agents, Inc.
1627 Quarrier St
Charleston, WV 25311
866-331-2303
CentralTeam1@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



WILLIAM R. MULLINS
Putnam County Circuit Clerk
12093 Winfield Road, Suite 12
Winfield, WV 25213



7018 1830 0000 6365 2862



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101



West Virginia E-Filing Notice

CC-40-2020-C-193

Judge: Joseph Reeder

To: Securitas Security Services USA, Inc.
1627 Quarrier St.
Charleston, WV 25312

NOTICE OF FILING

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

James Wallace v. Securitas Security Services USA, Inc.

CC-40-2020-C-193

The following complaint was FILED on 12/13/2020 4:37:54 PM

Notice Date: 12/13/2020 4:37:54 PM

William Mullins
CLERK OF THE CIRCUIT
Putnam
12093 Winfield Road
WINFIELD, WV 25213

(304) 586-0203
williamr.mullins@courtsww.gov

SUMMONS

E-FILED 12/13/2020 4:37 PM
CC-40-2020-C-193
Putnam County Circuit Clerk
William Mullins

IN THE CIRCUIT OF PUTNAM WEST VIRGINIA
James Wallace v. Securitas Security Services USA, Inc.

Service Type: Circuit Clerk - Certified Mail - Including Copy Fee

NOTICE TO: Securitas Security Services USA, Inc., 1627 Quarrier St., Charleston, WV 25312

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Hoyt Glazer, PO BOX 1638, HUNTINGTON, WV 25717

THE ANSWER MUST BE MAILED WITHIN 20 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

12/13/2020 4:37:54 PM

Date

/s/ William Mullins

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ Not Found in Bailiwick

Date

Server's Signature

COVER SHEET

E-FILED | 12/13/2020 4:37 PM
 CC-40-2020-C-193
 Putnam County Circuit Clerk
 William Mullins

GENERAL INFORMATION

IN THE CIRCUIT COURT OF PUTNAM COUNTY WEST VIRGINIA

James Wallace v. Securitas Security Services USA, Inc.**First Plaintiff:**

☐ Business ☒ Individual
☐ Government ☐ Other

First Defendant:

☒ Business ☐ Individual
☐ Government ☐ Other

Judge:

Joseph Reeder

COMPLAINT INFORMATION**Case Type:** Civil**Complaint Type:** Other**Origin:**

☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested:☒ Yes ☐ No**Case will be ready for trial by:** 3/1/2022**Mediation Requested:**☒ Yes ☐ No**Substantial Hardship Requested:** ☐ Yes ☒ No☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
☐ Interpreter or other auxiliary aid for the hearing impaired
☐ Reader or other auxiliary aid for the visually impaired
☐ Spokesperson or other auxiliary aid for the speech impaired
☐ Other: _____

☐ I am proceeding without an attorney☒ I have an attorney: Hoyt Glazer, PO BOX 1638, HUNTINGTON, WV 25717

SERVED PARTIES

Name: Securitas Security Services USA, Inc.

Address: 1627 Quarrier St., Charleston WV 25312

Days to Answer: 20

Type of Service: Circuit Clerk - Certified Mail - Including Copy Fee

E-FILED | 12/13/2020 4:37 PM
CC-40-2020-C-193
Putnam County Circuit Clerk
William Mullins

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

JAMES WALLACE,

Plaintiff,

Civil Action No.

Judge

SECURITAS SECURITY
SERVICES USA, INC.

Defendant.

COMPLAINT

Plaintiff, James Wallace, by his counsel, Hoyt Glazer of Glazer Saad Anderson L.C., files this complaint seeking redress and remedy arising from Defendant Securitas Security Services USA Inc.'s (Securitas) reckless failure to comply with the anti-discrimination of the West Virginia Human Rights Act. Plaintiff requests a jury trial on his claims.

PARTIES

1. Plaintiff, James Wallace, is and was, at all times alleged herein, a citizen and resident of Mason County, West Virginia.
2. Defendant Securitas is a foreign corporation, doing business in Putnam County, West Virginia, with its principle office located in Parsippany, NJ.
3. Defendant provides on-site security services to businesses throughout the nation, and in Putnam County at the Toyota plant in Buffalo.
4. At all times alleged, Defendant acted by and through its agents, employees, supervisors, directors, members, officers and assigns and within the full scope of agency, office, employment and/or assignment.

JURISDICTION AND VENUE.

5. This Court has jurisdiction over this civil action under Article VIII, § 6 of the West Virginia Constitution.
6. Venue is appropriate in this matter under West Virginia Code § 56-1-1(2) because the Defendant does business and the events giving rise to this cause of action occurred in Cabell County, West Virginia.

FACTS

7. In 2016, Securitas hired Mr. Wallace at a security officer for assignment at Toyota's Buffalo, West Virginia plant in Putnam County.
8. At all times, during his employment, Mr. Wallace had a diabetes diagnosis.
9. Mr. Wallace notified Securitas of his diabetes diagnosis, and it was well aware of his condition during his employment.
10. From his hire in 2016 through the end of 2019, Mr. Wallace met Securitas' reasonable expectations, and performed his duties satisfactorily or better.
11. Over the course of his employment, Mr. Wallace generally worked 2 full-time days and/or 16 hours a week.
12. At no time did Securitas ever warn or otherwise notify Mr. Wallace that his work performance was less than satisfactory.
13. On December 20, 2019, Securitas terminated Mr. Wallace because it claimed he had missed too many days of work.
14. Before terminating Mr. Wallace, Securitas had never alleged that Mr. Wallace had any absenteeism issue.
15. Since his termination, Mr. Wallace has been unable to find suitable, gainful employment.

16. At the time of his termination, Mr. Wallace was 58 years old.

17. On information and belief, the person who replaced Mr. Wallace was under 40 and/or also did not suffer from any disability (actual or perceived).

COUNT I: DISCRIMINATION BASED ON AGE IN VIOLATION OF THE WEST VIRGINIA HUMAN RIGHTS ACT

18. Throughout his employment, Plaintiff satisfied all requisite job qualifications, was qualified for the position he held, and performed his job in a manner that met or exceeded the Defendant's legitimate expectations.

19. Plaintiff is over 40 years of age and, as such, is a member of a protected class under the West Virginia Human Rights Act.

20. The Defendant treated employees who are not in Plaintiff's protected class more favorably because of their ages.

21. On information and belief, the person who replaced the Plaintiff in the job he previously held with Defendant is younger than Plaintiff and under 40 years of age.

22. On information and belief, employees who are not over 40 years of age, including the person who replaced Plaintiff, received more favorable treatment than Plaintiff and/or did not suffer adverse actions in their employment.

23. The Plaintiff's age was a motivating factor in the Defendant's decision to take adverse action against him.

24. But for his age, Defendant would not have taken adverse action(s) against Plaintiff.

25. Defendant's treatment of Plaintiff because of his age was done with malice and with reckless indifference to Plaintiff's rights and Plaintiff's emotional and physical well-being.

26. As a direct and proximate result of Defendant's actions, Plaintiff has suffered and continues to suffer substantial damages. Wherefore, Plaintiff requests relief as provided in the prayer.

**COUNT II: DISCRIMINATION BASED ON DISABILITY IN VIOLATION OF
THE WEST VIRGINIA HUMAN RIGHTS ACT**

27. Plaintiff incorporates the previous paragraphs as if set forth herein.
28. Plaintiff is a qualified person with a disability under the West Virginia Human Rights Act (W. Va. Code §5-11-9, et seq.).
29. Plaintiff has health conditions that substantially limit certain major life activities including, but not limited to, working.
30. Alternatively, Defendant and its agents regarded Plaintiff as having an impairment that substantially limits one or more of his major life activities.
31. At all times alleged, the Plaintiff is and was qualified for the original job he held with the Defendant because Plaintiff satisfies and satisfied the skill, experience, and other job-related requirements for the position he held, and he was and is able to perform the essential functions of his job, with or without reasonable accommodation.
32. Defendant took adverse action against Plaintiff when it refused to accommodate his disability (diabetes) and/or when it terminated him.
33. Plaintiff's status as a person with a disability was a motivating factor in Defendant's decision to take the above-referenced adverse action against him.
34. Any reason alleged by Defendant for its above-referenced, adverse actions against Plaintiff, is pretext for the real reason, namely, the intentional discrimination by Defendant against the Plaintiff based on his status as a person with a disability and/or its perception of Plaintiff as a person with a disability.
35. As a direct and/or proximate result of the intentional discriminatory acts and practices of Defendant, the Plaintiff has suffered and continues to suffer injury including, but not limited to, past and future loss of income and other benefits of employment, pain and

suffering, mental anguish, humiliation, loss of enjoyment of life, embarrassment, and damage to his reputation, as well as other past and future pecuniary losses.

36. Defendant knew or reasonably should have known that its actions against Plaintiff were false, wanton, willful, malicious, and intended to solely harm him and were indifferent to Plaintiff's rights under the West Virginia Human Rights Act. Wherefore, Plaintiff requests punitive damages and the relief as set forth below.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff seeks damages as set forth below:

On all counts, grant Plaintiff damages for lost wages, front pay, back pay, fringe benefits, costs associated with obtaining new employment and other actual damages according to the evidence and as determined by a jury;

On all counts, grant Plaintiff general and compensatory damages for annoyance, inconvenience, embarrassment, humiliation and emotional distress suffered by Plaintiff as a direct and/or proximate result of Defendant's conduct;

On all counts, grant Plaintiff punitive damages in an amount to be determined by a jury and sufficient to deter future improper conduct and to punish the Defendant for its reckless and willful actions;

On all counts, costs incurred in pursuing this action, attorney fees and prejudgment and post-judgment interest on all amounts allowed by law; and

Such other relief as this Court deems fair and proper in the interest of justice.

PLAINTIFF REQUESTS A TRIAL BY JURY ON ALL ISSUES.

PLAINTIFF, JAMES WALLACE
By Counsel,

s/Hoyt Glazer

Hoyt Glazer (WV BAR #6479)
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Huntington, WV 25701
T. 304-522-4149
F. 800-879-7248
hoyt@gsalaw-wv.com